

**IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF ALABAMA**

**SUSAN S. DEPAOLA, Chapter 7 Trustee
for the Bankruptcy Estate of Philip L.
Goodwyn, and SIMPLE PLEASURES,
INC.,**

Plaintiffs,

v.

**V RESTAURANTS, INC., an Alabama
corporation, and VINCE SAELE, an
individual,**

Defendants.

Case Number: 06-00893-WKW-SRW

**Bankruptcy Case No. 05-32325 –
Chapter 7, Bankruptcy Adv. Pro. No.
05-03062-WRS**

PLAINTIFFS' OBJECTION TO DEFENDANTS' EXHIBIT LIST

COME NOW the Plaintiffs, Susan S. DePaola and Simple Pleasures, by and through counsel, and objects to the exhibits advanced by the Defendants in their pretrial disclosures, and in support thereof, say as follows:

1. This Honorable Court entered a document entitled "Scheduling Order", October 5, 2006.

2. In pertinent part paragraph 5, states:

5. On or before February 14, 2007, the parties shall, pursuant to the provisions of Rule 26(a)(3) of the Federal Rules of Civil Procedure, file exhibit lists and furnish opposing counsel for copying and inspection all exhibits and tangible evidence to be used at the trial. Proffering counsel shall have such evidence marked for identification prior to trial. Unless specifically agreed between the parties or allowed by the Court for good cause shown, the parties shall be precluded from offering such evidence not so furnished and identified, with the exception of evidence to be used solely for the purpose of impeachment.

3. The Defendants filed a document entitled "Pretrial Disclosures", February 14, 2007, listing the exhibits the Defendants expected to offer at trial.

4. The Defendants did not provide opposing counsel copies of the exhibits and marked for identification. To date, these exhibits have not been furnished to counsel for the Plaintiff.

WHEREFORE, the Plaintiffs respectfully advance their objection to the exhibits listed in the Defendants pretrial disclosures and ask the court to preclude the Defendants from offering such evidence not so furnished and identified.

Respectfully submitted on March 16, 2007.

Memory & Day

By: /S/ James L. Day
James L. Day
ASB-1256-A55J

Von G. Memory
ASB-8137-071V

Attorneys for Plaintiff

OF COUNSEL:

Memory & Day
Post Office Box 4054
Montgomery, AL 36103-4054
Tel (334) 834-8000
Fax (334) 834-8001

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing document on the following, by:

- ☒ placing same in the United States Mail, postage prepaid, and properly addressed
- ☒ E-mail
- ☐ facsimile
- ☐ hand delivery
- ☐ delivered in open court

on March 16, 2007.

Daniel G . Hamm, Esq.
560 South McDonough St.
Montgomery, Alabama 36104

/S/James L. Day
James L. Day